

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

POSITIVE TECHNOLOGIES, INC.

Plaintiff,

v.

BENQ AMERICA CORP., FUJITSU  
GENERAL AMERICA, INC., JVC  
AMERICAS CORP., MITSUBISHI  
DIGITAL ELECTRONICS AMERICA,  
INC., NEC DISPLAY SOLUTIONS OF  
AMERICA, INC., PANASONIC CORP. OF  
NORTH AMERICA, PHILIPS  
ELECTRONICS NORTH AMERICA  
CORP., PROVIEW TECHNOLOGY, INC.,  
REGENT U.S.A., INC., SAMSUNG  
ELECTRONICS AMERICA, INC., SHARP  
ELECTRONICS CORP., TOSHIBA  
AMERICA CONSUMER PRODUCTS,  
L.L.C., AND V, INC.,

Defendants,

And

LG PHILIPS LCD CO., LTD. AND  
SAMSUNG SDI CO., LTD.

Intervenors.

CASE Nos. 2:06-CV-22 TJW and  
2:07-CV-67 TJW

**ORDER GRANTING THE PARTIES'**  
**STIPULATED MOTION TO ENTER A DOCKET CONTROL ORDER IN CASE NO.**  
**2:07-CV-67, TO AMEND THE COMPLAINT IN CASE NO. 2:07-CV-67, AND TO**  
**DISMISS CASE NO. 2:06-CV-22 WITHOUT PREJUDICE**

Before this Court is the Parties' Stipulated Motion to Enter a Docket Control Order in Case No. 2:07-CV-67, to Amend the Complaint in Case no. 2:07-CV-67, and to dismiss Case No. 2:06-CV-22 . The Court is of the opinion that the motion should be granted.

Therefore, it is hereby ORDERED that:

1) The following Docket Control Order is entered in Case No. 2:07-CV-67:

| No. | Date               | Event   |
|-----|--------------------|---|
| 1   | March 23, 2007     | Plaintiff's Disclosure of Asserted Claims & Infringement Contentions and related Document Production, including documents relating to Conception, Actual reduction to Practice and Diligence. P.R. 3-1; P.R. 3-2. |
| 2   | July 5, 2007       | Rule 26(a) Initial Disclosures, including identity of persons & documents, computation of damages & any applicable indemnity agreements. Fed.R.Civ.P. 26(a)(1). Judge Ward's Discovery Order Par. 1.              |
| 3   | July 5, 2007       | Join Additional Parties.  |
| 4   | August 27, 2007    | Parties to Produce Damages Documents & anything not covered by P.R. 3-4. Judge Ward's Discovery Order Par. 3  |
| 5   | August 27, 2007    | Defendants' Invalidity Contentions and related Document Production, including source code, specifications, schematics, flow charts, artwork, formulas, etc. P.R. 3-3, 3-4.  |
| 6   | September 10, 2007 | Privilege Logs to be Exchanged by Parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).   |
| 7   | October 17, 2007   | Plaintiff to Comply with with P.R. 3-1(h)   |
| 9   | November 2, 2007   | Parties To Exchange Claim Terms For Construction. Judge Ward's Modification to P.R. 4-1.  |
| 9   | November 16, 2007  | Parties To Exchange Preliminary Claim Constructions & Extrinsic Evidence. P.R. 4-2.   |
| 10  | November 30, 2007  | Amend Pleadings   |
| 11  | December 7, 2007   | Defendants to comply with P.R. 3-3(f)   |
| 12  | December 7, 2007   | Joint Claim Construction & Prehearing Statement. Judge Ward's Modification to P.R. 4-3.   |
| 13  | December 14, 2007  | Respond to Amended Pleadings.   |
| 14  | December 21, 2007  | Completion of Claim Construction Discovery. P.R. 4-4.   |
| 15  | January 4, 2008    | Plaintiff's Opening Markman Brief Due. P.R. 4-5(a).   |
| 16  | January 30, 2008   | Defendants' Responsive Markman Brief Due. P.R. 4-5(b).  |

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| No. | Date              | Event   |
|-----|-------------------|---|
| 17  | February 8, 2008  | Plaintiff's Reply Markman Brief due. P.R. 4-5(c).   |
| 18  | February 26, 2008 | Parties To File Joint Claim Construction Chart. P.R. 4-5(d).  |
| 19  | March 26, 2008    | Markman Hearing - 9:00 a.m. in Marshall, Texas. P.R. 4-6.   |
| 20  | MR                | Markman Ruling ("MR")   |
| 21  | MR+15 days        | Willfulness Production Due P.R. 3-7   |
| 22  | MR+30 days        | Opening Expert Reports Due  |
| 23  | MR+30 days        | (Optional)Plaintiff's Amended Infringement Contentions Due. P.R. 3-6(a)(1).   |
| 24  | MR+50 days        | (Optional) Defendants' Amended Invalidity Contentions Due. P.R. 3-6(a)(2).  |
| 25  | MR+60 days        | Rebuttal Expert Reports Due   |
| 26  | May 30, 2008      | Discovery Deadline  |
| 27  | May 30, 2008      | Plaintiff to Identify Trial Witnesses   |
| 28  | June 13, 2008     | Defendants to Identify Trial Witnesses  |
| 29  | July 14, 2008     | Deadline for Filing Dispositive Motions (Including <i>Daubert</i> Motions)  |
| 30  | July 29, 2008     | Response to Dispositive Motions Due (Including <i>Daubert</i> Motions)  |
| 31  | August 8, 2008    | Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings.                                     |
| 32  | August 8, 2008    | Pretrial Disclosures Due  |
| 33  | August 22, 2008   | Joint Pretrial Order, Joint Proposed Jury Instructions, Objections to Pretrial Disclosures, and Form of the Verdict Due |
| 34  | August 25, 2008   | Motions <i>In Limine</i> Due  |
| 35  | August 28, 2008   | Pretrial Conference - 9:30 a.m. in Marshall, Texas  |
| 36  | September 2, 2008 | Jury Selection  |

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2) Plaintiff may amend its Complaint in case No. 2:07-CV-67 to:

(a) assert U.S. patent no. 5,280,280 against BenQ America, Corp., JVC Americas Corp., Mitsubishi Digital Electronics America, Inc., NEC Display Solutions of America, Inc., Panasonic Corp. of North America, ProView Technology, Inc., Regent U.S.A., Inc., Toshiba America Consumer Products, L.L.C., V, Inc., and Philips Electronics North America Corp. and Samsung Electronics America, Inc.;

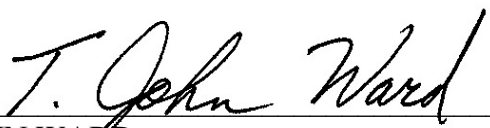
(b) assert U.S. patent No. 5,444,457 against Toshiba America Consumer Products, L.L.C. and V, Inc.;

(c) assert U.S. patent no. 5,627,558 against Toshiba America Consumer Products, L.L.C. and V, Inc.;

3) Case No. 2:06-CV-22 is dismissed without prejudice; and

4) All discovery provided in Case 2:06-CV-22 shall be deemed served in Case No. 2:07-CV-67 as if provided therein.

SIGNED this 15th day of May, 2007.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE